

**EXHIBIT 4:**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT  
OF PENNSYLVANIA

\* \* \* \* \*  
ARA KIMBROUGH, \*  
Plaintiff \* Case No.  
vs. \* 2 : 24 - cv - 04470 - KSM  
BUCKS COUNTY, et al., \*  
Defendants \*

\* \* \* \* \*

DEPOSITION OF  
MARGARET MCKEVEITT  
February 12, 2025

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the certifying agency.

2

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DEPOSITION

2

OF

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MARGARET MCKEVITT, taken on behalf of  
4 the Plaintiff herein, pursuant to the  
5 Rules of Civil Procedure, taken before  
6 me, the undersigned, Emma Edwards, a  
7 Court Reporter and Notary Public in  
8 and for the Commonwealth of  
9 Pennsylvania, Via Zoom, on Wednesday,  
10 February 12, 2025 beginning at 1:15  
11 p.m.

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1                   A P P E A R A N C E S

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3       WILLIAM P. MANSOUR, ESQUIRE

4       Mansour Law, LLC

5       961 Marcon Boulevard, Suite 425

6       Allentown, PA 18109

7                   COUNSEL FOR PLAINTIFF

8

9       DARA BURNS, ESQUIRE

10      JACLYN C. GRIESER, ESQUIRE

11      County of Bucks - Deputy Solicitor

12      55 East Court Street

13      Doylestown, PA 18901

14                   COUNSEL FOR DEFENDANTS

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I N D E X

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3 DISCUSSION AMONG PARTIES 7 - 8

4 WITNESS: MARGARET MCKEVITT

5 EXAMINATION

6 By Attorney Mansour 8 - 47

7 DISCUSSION AMONG PARTIES 47 - 48

8 CERTIFICATE 49

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1                   S T I P U L A T I O N

2 -----  
3 (It is hereby stipulated and agreed by  
4 and between counsel for the respective  
5 parties that reading, signing,  
6 sealing, certification and filing are  
7 not waived.)  
8 -----

9                   P R O C E E D I N G S  
10 -----

11                   MARGARET MCKEVIOTT,  
12 CALLED AS A WITNESS IN THE FOLLOWING  
13 PROCEEDING, AND HAVING FIRST BEEN DULY  
14 SWORN, TESTIFIED AND SAID AS FOLLOWS:

15                   ---

16                   ATTORNEY MANSOUR:

17                   Usual stipulations in  
18 the record, reserve all  
19 objections for time of trial  
20 except as to form and  
21 privilege?

22                   ATTORNEY BURNS:

23                   Yes. And my client  
24 reserves the right to review  
25 the transcript for any errors.

1

ATTORNEY MANSOUR:

2

Okay.

3

Very good.

4

---

5

E X A M I N A T I O N

6

---

7

BY ATTORNEY MANSOUR:

8 Q. Ms. McKevitt, thank you for  
9 being here and making yourself  
10 available again today. Even though  
11 we've done this before, I do just want  
12 to make sure that we are on the same  
13 page with respect to the ground rules,  
14 again, in terms of how this is going  
15 to proceed.

16 So make sure all your answers  
17 to my questions are in the form of  
18 words. No nodding the head, shaking  
19 the head, shrugging the shoulders.  
20 Nonverbal cues like uh-huh, uh-uh,  
21 things like that don't come across  
22 well in the transcript.

23 So can you confirm that all  
24 your answers to my questions will be  
25 with words?

1 A. Yes.

2 Q. Very good. Thank you. Don't  
3 want us --- I don't want us talking  
4 over each other. So even if you know  
5 where my question is going or if I  
6 know where your answer is going, I  
7 just ask that you wait until I'm done  
8 asking my question before you answer  
9 it. And I will do the same with  
10 respect to your answer, waiting until  
11 you complete it before I ask my next  
12 question.

13 Okay?

14 A. Yes.

15 Q. Okay.

16 I don't want you to speculate  
17 or guess about any of your answers  
18 here today. Your answers are supposed  
19 to be based on your personal  
20 knowledge. Do you understand that?

21 A. Yes.

22 Q. If you don't know the answer to  
23 a question, I don't know is a  
24 perfectly acceptable answer if it is  
25 the truth. You understand that?

10

1 A. Yes.

2 Q. If you --- if I ask you a  
3 question that you don't understand,  
4 just tell me that and I'll be happy to  
5 reask it or rephrase it. If you do  
6 --- if I do ask a question and you do  
7 answer it, I'm going to assume both  
8 that you heard it and understood it.

9 Okay?

10 A. Yes.

11 Q. Very good. If at any time we  
12 need to take a break, just let us  
13 know. We'll be happy to do that.  
14 Since we already got a little bit of  
15 your deposition done the first time  
16 around, I don't anticipate that we're  
17 going to be here terribly long, but  
18 nevertheless, if you do need to take a  
19 break, just let us know.

20 The only thing I ask is that if  
21 I have a pending question, you answer  
22 it completely before we break.

23 Okay?

24 A. Yes.

25 Q. Very good. You understand that

1       you were just placed under oath?

2       A.       Yes.

3       Q.       Okay.

4               And you understand that that  
5       oath is the same oath that you would  
6       take if you were testifying in a  
7       courtroom?

8       A.       Yes.

9       Q.       And you understand that that  
10      oath means that you promised to tell  
11      the truth here today?

12      A.       Yes.

13      Q.       And that if you knowingly fail  
14      to tell the truth, you could be  
15      subject to criminal penalties?

16      A.       Yes.

17      Q.       Are you under the influence of  
18      any drugs or alcohol that would impair  
19      your ability to hear or understand any  
20      of my questions?

21      A.       No.

22      Q.       Are you under the influence of  
23      any drugs or alcohol that would impair  
24      your ability to recall any of the  
25      events I might ask you about?

12

1 A. No.

2 Q. Are you under the influence of  
3 any drugs or medica --- alcohol ---  
4 drugs or alcohol that would impair  
5 your ability to see any of the  
6 documents I might show you?

7 A. No.

8 Q. At the same --- I'm going to  
9 ask the same question with respect to  
10 any medications. Are you taking any  
11 medications that impair your ability  
12 to hear or see ---

13 A. No.

14 Q. --- any of the questions or  
15 documents that I might show you?

16 A. No.

17 Q. Okay.

18 So I'm going to kind of pick up  
19 where we left off last time around.  
20 I'm going to share with you my screen  
21 and show you a document that we marked  
22 at your deposition previously as P-1.  
23 These are essentially two documents  
24 that were attached to the exhibit ---  
25 that were attached as exhibits to my

1 client's complaint. The July 29th  
2 termination letter, accompanied by the  
3 disciplinary action form for my client  
4 on the same date.

5 Do you remember seeing these  
6 documents at your earlier deposition?

7 A. Yes.

8 Q. Can you see them okay now?

9 A. Yes.

10 Q. Okay.

11 If at any time you have trouble  
12 seeing any of the documents or the  
13 text is too small or something, just  
14 let me know and I'll blow it up or  
15 ----.

16 A. Sure.

17 Q. Okay.

18 So I want to turn your  
19 attention to the second page of P-1,  
20 marked at the bottom, exhibit B, which  
21 was exhibit B to our complaint. And  
22 it says here that, quote, it was  
23 brought to our attention that you ---  
24 you being my client, Mr. Kimbrough ---  
25 shared confidential information with

14

1 plaintiff's counsel. A preliminary  
2 interview was held 6/12/24, and a fact  
3 finding meeting was held at 7/26/24.  
4 During both of these meetings, you  
5 admitted to contacting plaintiff's  
6 attorney and sharing confidential  
7 information which pertained to a  
8 lawsuit against the DOC/County of  
9 Bucks.

10 Did I read that correctly?

11 A. Yes.

12 Q. Okay.

13 And you've seen this document  
14 not only at your last deposition, but  
15 also prior to that.

16 Correct?

17 A. Correct. Yes.

18 Q. And I believe you testified at  
19 your first deposition that you had  
20 seen this document prior to it being  
21 provided to my client.

22 Correct?

23 A. I don't recall that.

24 Q. Okay.

25 So I just want to go over a few

15

1 things here and make sure we're on the  
2 same page. So it says here that my  
3 client admitted to contacting  
4 plaintiff's attorney and sharing  
5 confli --- confidential information  
6 which pertained to a lawsuit against  
7 the County of Bucks.

8                   Correct?

9 A.               Repeat that. I'm sorry.

10 Q.               Sure. So this last sentence  
11 here on this page, exhibit B, says,  
12 during both of these meetings, my  
13 client admitted to contacting  
14 plaintiff's attorney and sharing  
15 confidential information which  
16 pertained to a lawsuit against  
17 DOC/County of Bucks.

18                   Correct?

19 A.               Correct.

20 Q.               And that was the reason he was  
21 discharged.

22                   Correct?

23 A.               Correct.

24 Q.               Now, it does not say, you would  
25 agree with me, that he shared

16

1 confidential information which  
2 pertained to the security of the jail.

3 Correct?

4 ATTORNEY BURNS:

5 Objection to form. You  
6 can answer.

7 THE WITNESS:

8 What'd you say?

9 ATTORNEY BURNS:

10 You can answer.

11 THE WITNESS:

12 I can.

13 ATTORNEY BURNS:

14 You can, yeah.

15 THE WITNESS:

16 Okay. Okay.

17 Repeat the question  
18 again.

19 BY ATTORNEY MANSOUR:

20 Q. It does not say anywhere here  
21 that my client shared confidential  
22 information that pertained to the  
23 security of the jail, the county  
24 correctional facility.

25 Correct?

1 A. The words are not there. Yes.

2 Q. Okay.

3 And it does not say here that  
4 my client shared confidential  
5 information regarding the operations  
6 of the jail.

7 Correct?

8 A. The words are not there. Yes.

9 Q. It says he shared information  
10 --- confidential information that  
11 pertains to a lawsuit against the  
12 county. That was a lawsuit that was  
13 being filed on behalf of the estate of  
14 Joshua Patterson.

15 Correct?

16 A. Yes.

17 Q. Okay.

18 And that lawsuit pertained to  
19 Mr. Patterson's fatal drug overdose  
20 while incarcerated at the county  
21 correctional facility.

22 Correct?

23 A. Yes.

24 Q. Now, I will represent to you  
25 that the phone call in question where

1 my client shared alleged confidential  
2 information with plaintiff's attorney  
3 occurred on May 30th, 2024. Is that  
4 your understanding as well?

5 A. I don't know.

6 Q. Okay.

7 And the plaintiff's attorney  
8 we're referring to here, his name is  
9 Brian Zeiger. Are you familiar with  
10 that name?

11 A. I have heard his name, yes.

12 Q. Okay.

13 And it's your understanding  
14 that he was the attorney representing  
15 the estate of Mr. Patterson in the  
16 lawsuit referenced here?

17 A. I believe so.

18 Q. Now, the phone call that  
19 occurred between my client and  
20 Attorney Zeiger occurred on May 30th,  
21 2024. You were not present for that  
22 phone call.

23 Correct?

24 A. No.

25 Q. How did you first learn what my

1 client said during that phone call  
2 with Attorney Zeiger?  
3 A. I don't remember.  
4 Q. You did, at some point,  
5 ultimately learn that my client had a  
6 phone call with Attorney Zeiger.

7 Right?

8 A. Yes.

9 Q. Okay.

10 And that ---- and you learned  
11 about that before he was discharged.

12 Correct?

13 A. Yes.

14 Q. Now, this termination letter  
15 says that he was fired for contacting  
16 plaintiff's attorney, Attorney Zeiger,  
17 and sharing confidential information  
18 which pertain to a lawsuit. Can you  
19 tell me what confidential information  
20 my client shared with Attorney Zeiger?

21 A. I cannot.

22 Q. Is there a reason that you  
23 cannot? Is it just that you don't  
24 remember or ---?

25 A. I don't --- I don't remember.

1 Q. Were you at one time or at any  
2 time told what that information was?

3 A. I don't --- I don't recall. I  
4 --- we received a package of  
5 information. I received the packets  
6 of information him. Read it at a  
7 meeting, and we discharged. And just  
8 so you know, I do this just about  
9 every other day, so ---.

10 Q. Okay.

11 So we already established,  
12 obviously, you were not present for  
13 that phone call between my client and  
14 Attorney Zeiger. So it would be fair  
15 to say that you learned that  
16 information from somebody other than  
17 my client or Attorney Zeiger.

18 Is that a yes?

19 A. Yes.

20 Q. Would it be fair to say that  
21 after you learned about the phone call  
22 between my client and Attorney Zeiger  
23 that the county lost trust in my  
24 client?

25 A. What --- what do you mean by

1           that?

2       Q.     Did you believe that my  
3       client's phone call to Attorney  
4       Zeiger, along with the information  
5       that he shared, was a breach of trust  
6       that the county placed in him?

7       A.     I believe at the time it was a  
8       violation of county policy or  
9       corrections policy and/or both.

10      Q.     Okay.

11           And on what basis did you  
12       arrive at that conclusion?

13      A.     Based on the information that  
14       was provided to me at the time.

15      Q.     And that information being the  
16       substance of his conversation --- my  
17       client's conversation with Attorney  
18       Zeiger?

19      A.     On the information that was  
20       provided by human resources.

21      Q.     Do you believe that my client's  
22       telephone conversation with Attorney  
23       Zeiger was against the interests of  
24       the county with respect to the  
25       Patterson lawsuit?

22

1

ATTORNEY BURNS:

2

Objection. Form. You

3

can answer if you can.

4

THE WITNESS:

5

I don't --- it's not a

6

--- I don't have an answer for  
that.

8

BY ATTORNEY MANSOUR:

9

Q. Well, I mean, my client  
apparently called Attorney Zeiger,  
shared certain confidential  
information or alleged confidential  
information, and he was fired because  
of that. We all agree on that basic  
set of facts.

16

A. Yes, yes.

17

Q. Okay.

18

Do you believe that  
conversation he had with Attorney  
Zeiger was against the county's  
interests with respect to the  
Patterson lawsuit?

23

ATTORNEY BURNS:

24

Objection. Form. You

25

can answer if you can.

1

THE WITNESS:

2

I believe that his ---

3

what he did broke county

4

policies and correction

5

policies.

6

BY ATTORNEY MANSOUR:

7

Q. I understand that. Do you also believe it went against the county's interests with respect to the Patterson lawsuit?

8

A. Yes.

9

Q. Were you concerned --- upon learning that my client had this conversation with Attorney Zeiger, were you concerned that he might share additional information with third parties in the future?

10

A. When we made this decision, it was based on what he did at the time.

11

Q. Are you saying that there was no concern that he might do the same thing again?

12

ATTORNEY BURNS:

13

Objection. Form. You can answer if you understand

14

15

24

1                   the question.

2                   THE WITNESS:

3                   Repeat the question  
4                   again. I'm sorry.

5                   BY ATTORNEY MANSOUR:

6                   Q.         Sure. Was there a concern by  
7                   you that Mr. Kimbrough might do  
8                   something similar again in terms of  
9                   contacting an attorney and sharing  
10                  alleged confidential information?

11                  A.         I was concerned that he broke  
12                  county policy.

13                  Q.         I understand. So I guess maybe  
14                  I'll rephrase the question. Were you  
15                  concerned that he might break those  
16                  same policies again in the same  
17                  manner?

18                  A.         That factors into the decision  
19                  making.

20                  Q.         Give me one moment if you can.

21                   ATTORNEY MANSOUR:

22                   The emergency motion  
23                  that was filed in the Corbin  
24                  matter, did we mark that as an  
25                  exhibit in one of the last

25

depositions? Is that right?

2 ATTORNEY BURNS:

I believe --- are you  
asking me that, Bill?

5 ATTORNEY MANSOUR:

I ' m --- I ' m asking  
anybody who might know.

8 ATTORNEY BURNS:

9 Yes, I believe it is

10                   Exhibit   --- give me one second  
11                   --- 4 .

12 BY ATTORNEY MANSOUR:

13 Q . Four .

14 O k a y .

15 So I just --- the copy I have,  
16 I didn't have it marked, and I didn't  
17 know if we marked it before, so I'm  
18 just going to mark it again.

19 O k a y .

20                   Ms. McKevitt, I have on the  
21 screen a document that we've marked as  
22 P-4. This is the emergency motion  
23 filed by Attorney Zeiger on behalf of  
24 the Patterson estate in the Patterson  
25 --- in the Corbin versus Bucks County

1 matter. Have you --- can you see this  
2 document okay?

3 A. Yep.

4 Q. Okay.

5 Have you seen this document  
6 before today?

7 A. I might have received it, but I  
8 don't believe I've read it.

9 Q. Okay.

10 I want to direct your attention  
11 here to paragraph four. Blow it up a  
12 little bit, just so it's a little  
13 easier to see. Can you read --- take  
14 a moment to read that to yourself and  
15 just let me know when you're done  
reading it?

16 A. Okay.

17 Q. Okay.

18 You said you've never read this  
19 before today?

20 A. I said I'd probably receive ---  
21 I received it. Probably received it,  
22 but I haven't read it in its entirety  
23 ---

24 Q. Okay.

1 A. --- before today.

2 Q. So today is the first time  
3 you're reading word for word this  
4 paragraph four?

5 A. Yes. Well, no. Didn't --- did  
6 you show this to me last time?

7 Q. No, because I think last time  
8 --- the first time we met, that was  
9 redacted. I had not yet received an  
10 unredacted.

11 A. Okay. Okay.

12 Q. So if I did show it to you, it  
13 was --- this paragraph was redacted.

14 A. Okay.

15 Q. So ---.

16 Okay.

17 The information that's alleged  
18 here in this paragraph four, is that  
19 the information that was shared with  
20 you in terms of what my client told  
21 Attorney Zeiger in their telephone  
22 conversation?

23 ATTORNEY BURNS:

24 And I'm just going to  
25 object to the extent that this

28

1                   is confidential, that we might  
2                   claim later, but I am going to  
3                   instruct my client to answer  
4                   the question.

THE WITNESS:

6 | O k a y .

9 BY ATTORNEY MANSOUR:

Q. The question was based on what you just read here in this paragraph four, is that generally the information you were told my client shared with Attorney Zeiger?

15 A . Generally , yes .

16 Q. Okay.

17                   Are you aware of any disruption  
18                  that occurred in the operations of the  
19                  county jail as a result of my client's  
20                  conversation with Attorney Zeiger?

21 A . Not that I recall .

22 Q. Were you ---? Let me think of  
23 how I want to phrase this question.  
24 Who determined that the information my  
25 client shared with Attorney Zeiger was

1 confidential or sensitive?

2 A. Our team.

3 Q. And who comprised that team?

4 A. Representative ---

5 representatives from human resources,  
6 law department and corrections.

7 Q. And that's it?

8 A. And myself.

9 Q. And yourself.

10 Okay.

11 In terms of representatives  
12 from human resources, would that  
13 include Lauren Smith?

14 A. Yes.

15 Q. Would that also include Diane  
16 Otto?

17 A. Yes.

18 Q. Okay.

19 Anybody else from HR  
20 specifically that you can recall?

21 A. I don't recall.

22 Q. In terms of members of the law  
23 department, would that include Shea  
24 Randolph?

25 A. I believe so.

1 Q. Would that also include Jaclyn  
2 Grieser?

3 A. I believe so.

4 Q. And would that include Dara  
5 Burns?

6 A. I don't recall. I don't  
7 recall.

8 Q. Would that include Dan Greaser?

9 A. I do believe so, yes.

10 Q. Anybody else from the law  
11 department you can recall that was  
12 involved in the determination that  
13 this information was allegedly  
14 confidential?

15 A. I don't recall.

16 Q. David Kratz also involved in  
17 that determination?

18 A. Yes.

19 Q. Anybody else from jail  
20 administration, specifically, that was  
21 involved in determining this was  
22 confidential information?

23 A. I don't recall.

24 Q. Did you yourself believe that  
25 this information was confidential?

1 A. Yes. And other information  
2 that Mr. Kimbrough had access to.

3 Q. Okay.

4 Had access to? What do you  
5 mean by had access to?

6 A. He was a supervisor. He had  
7 access to all corrections systems.

8 Q. Okay.

9 But he didn't share all of it  
10 with Attorney Zeiger.

11 Right?

12 A. I don't know what he shared  
13 with Attorney Zeiger.

14 Q. As far as you're aware, ---

15 A. This is what he shared.

16 Q. --- this is what he shared.

17 Okay.

18 Looking again at this paragraph  
19 four, can you tell me what information  
20 you personally believed was  
21 confidential?

22 A. The intake area.

23 Q. What are you referring to  
24 specific --- where it says the intake  
25 area was grossly understaffed?

32

1 A. Just the intake area itself.

2 Q. Okay.

3 But I'm asking about the  
4 information ---.

5 A. He talks about --- he talks  
6 about operations here. Yes.

7 Q. Okay.

8 So --- so let's just take a  
9 look at this paragraph four, and I  
10 guess point out for me, you know,  
11 specifically which sentence or which  
12 line there you believe was  
13 confidential information.

14 A. All of it.

15 Q. Okay.

16 So the fact that he was a  
17 supervisor in the intake area at the  
18 time of the instant matter, that you  
19 believe was confidential?

20 ATTORNEY BURNS:

21 Objection. Form. You  
22 can answer, if you can.

23 THE WITNESS:

24 Repeat the question,  
25 please.

1           BY ATTORNEY MANSOUR:

2       Q.        Sure. So the first sentence  
3       there, where my client told  
4       plaintiff's counsel he was a  
5       supervisor in the intake area at the  
6       time of the instant matter, that fact  
7       is confidential in your view?

8       A.        No.

9       Q.        Okay.

10              The intake area was grossly  
11       understaffed. You believe that  
12       information was confidential?

13       A.        That's his opinion.

14              Right?

15       Q.        Sure.

16       A.        Right. That's his opinion. I  
17       don't know that that's a fair question  
18       to ask.

19       Q.        Okay.

20              I mean ---.

21       A.        You're asking me to --- to ---  
22       to say whether something's  
23       confidential based on his opinion.

24       Q.        Okay.

25              Do you think his opinion is

1 confidential, that it shouldn't have  
2 been shared with anybody?

3 A. I think --- I think what Ara  
4 Kimbrough did was break county policy  
5 by talking to someone other than his  
6 --- the chain of command or someone in  
7 human resources and controller's  
8 office on this issue.

9 Q. Well, the two or --- I think  
10 two or three of the main policies that  
11 he was discharged for and as it says  
12 in the intake --- in the discharge was  
13 that he shared confidential  
14 information. And then down here, as  
15 you can see, it refers to County Work  
16 Rule 59, giving confidential county  
17 information to other individuals.  
18 Number 60 --- I'm sorry, Number 15,  
19 divulging any information of a  
20 confidential or sensitive nature.

21 So what I'm trying to figure  
22 out is what information was  
23 confidential and thus violated those  
24 policies --- allegedly violated those  
25 policies. So you're saying he was

1           fired for violating those policies?  
2           Those policies say ---?  
3           A.       He was --- right. He was  
4           violated for --- for speaking to  
5           someone outside of his chain of demand  
6           or county personnel on this issue.

7           Q.       And that's --- and that's, you  
8           know, generally your view of why he  
9           was discharged.

10           Right?

11           A.       Correct.

12           Q.       So not necessarily because of  
13           what his opinions were, but the fact  
14           that he shared this information with  
15           somebody outside his chain of command.

16           A.       Correct.

17           Q.       Do you know whether Mr.  
18           Kimbrough, prior to his conversation  
19           with Attorney Zeiger, had complained  
20           up the chain of command about what he  
21           believed to be chronic understaffing  
22           in the intake unit?

23           A.       I have not --- I did not  
24           receive a complaint.

25           Q.       So Mr. Kimbrough, his lawsuit

1           against the county, two of his claims  
2           are brought under what's called  
3           Section 1983. It's 42 United States  
4           Code, Section 1983. Are you familiar  
5           with that statute at all?

6         A.       No.

7         Q.       That statute allows individuals  
8           to sue government agents for violating  
9           the individual's constitutional  
10          rights. Does any of that ring a bell?

11        A.       Yes.

12        Q.       Okay.

13           And I'm sure you know, I know,  
14          anybody knows, you know, the county  
15          has been sued, among other counties  
16          for 1983 violations by prisoners.  
17          People were being arrested for  
18          violations of the Fourth Amendment,  
19          the Eighth Amendment, all sorts of  
20          different rights.

21           So you're familiar generally  
22          with this idea of 1983 lawsuits or  
23          lawsuits for violations of  
24          constitutional rights.

25           Is that fair to say?

1 A. Yes.

2 Q. Okay.

3 Is it your understanding that  
4 --- that public employees have certain  
5 constitutional rights in the public  
6 workplace?

7 ATTORNEY BURNS:

8 Objection. Form. You  
9 can answer if you can.

10 THE WITNESS:

11 People have  
12 constitutional rights.

13 Right?

14 BY ATTORNEY MANSOUR:

15 Q. Sure.

16 A. Yes.

17 Q. Including public employees.

18 Right?

19 A. Public employees have work  
20 policies in place to protect them.

21 Q. Okay.

22 And you --- do you understand  
23 that 1983 in some instances also  
24 protects them in the workplace?

25 A. Some instances, yes.

1 Q. Are you familiar with what are  
2 generally called First Amendment  
3 retaliation claims? So that is a  
4 person claiming that they were  
5 punished for exercising their First  
6 Amendment rights.

7 A. Yes, I have --- I'm familiar  
8 with that.

9 Q. Okay.

10 And that is what Mr. Kimbrough  
11 is alleging in this case, that he was  
12 punished by being suspended and then  
13 discharged for exercising his First  
14 Amendment right to free speech. Do  
15 you understand that?

16 A. I do.

17 Q. Before the decision was made to  
18 discharge Mr. Kimbrough, did you  
19 personally consider whether my  
20 client's conversation with Attorney  
21 Zeiger was protected by the First  
22 Amendment?

23 ATTORNEY BURNS:

24 Objection. To the  
25 extent it would disclose

39

1 attorney/client communication.  
2 However, you can answer his  
3 question.

4 COURT REPORTER:

5 Attorney Burns, it's  
6 just a little difficult to hear  
7 you. If you could raise your  
8 voice or get closer to the mic,  
9 that would be great.

10 ATTORNEY BURNS:

11 Yep. I was just  
12 objecting to the extent that it  
13 would disclose attorney/client  
14 communication. But otherwise,  
15 she can answer the question.

16 THE WITNESS:

17 Can you repeat the  
18 question?

19 BY ATTORNEY MANSOUR:

20 Q. Sure. Before discharging my  
21 client, did you personally consider or  
22 think to yourself whether my client's  
23 conversation with Attorney Zeiger was  
24 protected by the First Amendment?

25 A. Not at the time.

1 Q. At what --- was there a time  
2 where you --- before this lawsuit was  
3 filed, was there a time where you  
4 thought to yourself or considered  
5 whether my client's conversation was  
6 protected by the First Amendment?

7 A. Yes.

8 Q. But that was after he was  
9 fired?

10 A. I don't --- I don't recall  
11 exactly when --- when I ---. You're  
12 asking what I thought about it.

13 Right? Not when ---? Yeah.

14 Q. Correct. What you thought  
15 about it?

16 A. Yeah, the thought probably  
17 crossed my mind before, during, and  
18 after.

19 Q. Were you --- and just to  
20 establish, I --- I know you --- you  
21 testified to this the first time  
22 around. You were the person who  
23 ultimately gave permission to  
24 discharge Lieutenant Kimbrough,  
25 subject, of course, to ratification by

1 the Board of Commissioners.

2 A. Right.

3 Q. Okay.

4 Did you believe or have any  
5 hesitation at the time you made that  
6 decision that by discharging Mr.  
7 Kimbrough you may be violating his  
8 First Amendment rights?

9 A. No.

10 Q. Did you personally do any sort  
11 of legal research to determine what  
12 kind of speech is protected in the  
13 public workplace?

14 A. No.

15 Q. And without telling me any  
16 discussions you had with any members  
17 of the law department, did you at  
18 least at any time seek their guidance  
19 on whether or not Mr. Kimbrough's  
20 conversation was protected by the  
21 First Amendment?

22 A. No, I did not seek their  
23 guidance. No.

24 Q. Did you consult anybody ---  
25 anybody about whether his conversation

42

1           was protected by the First Amendment?

2 A . Yes .

3 Q. Who - - - whom did you consult?

4 ATTORNEY BURNS:

5 Objection to the extent

6 | it would disclose

7 attorney/client communication.

You can answer.

8 You can answer.

9 | THE WITNESS

THE WITNESS:

We had a discussion

11 about it as a team.

12 BY ATTORNEY MANSOUR:

13 Q. Did that discussion come after  
14 ---. Strike that.

15 So at one point, I, on behalf  
16 of Mr. Kimbrough, sent a letter to the  
17 county trying to resolve this matter.

18 Are you familiar with that?

19 A . Yes .

20 Q. Did you personally review that  
21 letter?

22 A. Yes.

23 Q. Did those discussions occur  
24 after or before receipt of that  
25 letter?

1 A. I don't recall.

2 Q. Give me just one moment. If my  
3 client had disclosed the information  
4 that he disclosed to Attorney Zeiger  
5 to somebody other than Attorney  
6 Zeiger, would you still have  
7 authorized his discharge?

8 ATTORNEY BURNS:

9 Objection. Form. You  
10 can answer if you can.

11 THE WITNESS:

12 I have no answer to  
13 that. I --- I --- it's not ---  
14 it's not something I would make  
15 a decision on. I wouldn't have  
16 enough information.

17 BY ATTORNEY MANSOUR:

18 Q. Were you aware of the fact that  
19 my client was suspended without pay  
20 pending an investigation into his  
21 conversation with Attorney Zeiger on  
22 or about June 21st, 2024?

23 A. I don't recall the dates, but I  
24 do know that he was --- he was put out  
25 without --- pending investigation.

1 Q. Was that something you  
2 authorized?

3 A. I don't recall. I remember  
4 being on the email chain, yes.

5 Q. Do you remember the county  
6 offering my client or providing him  
7 with a separation and release  
8 agreement to sign?

9 A. Yes.

10 Q. The decision to provide him  
11 with such an agreement, was that a  
12 decision you authorized?

13 A. Yes.

14 Q. And ---.

15 A. With permission of the county  
16 commissioners.

17 Q. So the county commissioners  
18 were also involved in the decision to  
19 offer him a separation agreement?

20 A. When --- when folks are offered  
21 a separation agreement, I --- I check  
22 with each of the commissioners and  
23 make sure that's okay.

24 Q. And was --- did you confer with  
25 them informally or was that like at an

1 executive session or something along  
2 those lines?

3 A. No, I do that individually.

4 Q. With each commissioner?

5 A. Yes.

6 Q. And you did that in this case?

7 A. I do that with every single one  
8 of them. So, yes, I would have had to  
9 have done that. It --- yes.

10 Q. With respect to this case  
11 specifically, Mr. Kimbrough, did those  
12 communications occur in writing or  
13 verbally?

14 A. I don't recall. Generally,  
15 they're verbally. Sometimes I'll  
16 email them individually.

17 Q. During those discussions with  
18 the commissioners, did you make them  
19 aware of my client's conversation with  
20 Attorney Zeiger?

21 A. I asked them just for  
22 permission to --- for separation  
23 agreement authority. That's it.

24 Q. So you did not give them the  
25 context or the factual background that

1 led to that separation agreement?

2 A. Generally.

3 Q. Okay.

4 So you did not make them aware  
5 why you wanted to separate from Mr.  
6 Kimbrough?

7 A. No, I give them a general ---  
8 general information about the  
9 separation agreement, why it's being  
10 offered. Yes.

11 Q. And that is something that the  
12 commissioners must authorize  
13 themselves, or do you have authority  
14 to do that unilaterally?

15 A. I can do that. And then we  
16 ratify it on agenda after the fact.

17 Q. But in this situation, you  
18 sought their preapproval, so to speak?

19 A. I generally do that with all of  
20 them. Any --- any --- because they're  
21 going to see it on the --- on the  
22 agenda anyway.

23 Q. So that's your general practice  
24 and that's the practice that you  
25 followed with respect to Mr.

1 Kimbrough?

2 A. Yes, I did.

3 Q. Okay.

4 I don't have any more questions  
5 for you, Ms. McKevitt. Thank you for  
6 your time.

7 ATTORNEY MANSOUR:

8 I don't know if Counsel  
9 has any.

10 ATTORNEY BURNS:

11 I do not have any  
12 questions.

13 COURT REPORTER:

14 Would Counsel like  
15 copies of the transcript from  
16 today?

17 ATTORNEY MANSOUR:

18 Yes. A full one is  
19 fine. Just --- just one full  
20 one.

21 ATTORNEY BURNS:

22 Same for the County.

23 ATTORNEY MANSOUR:

24 And electronic only. I  
25 don't need a hard copy.

48

1                   ATTORNEY BURNS:

2                   Same with the County.

3                   \* \* \* \* \*

4 DEPOSITION CONCLUDED AT 2:02 P.M.

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1 COMMONWEALTH OF PENNSYLVANIA )

2 COUNTY OF PHILADELPHIA )

3 CERTIFICATE

4 I, Emma Edwards, a Notary Public in  
5 and for the Commonwealth of Pennsylvania, do  
6 hereby certify:

7 That the witness, Margaret McKevitt,  
8 whose testimony appears in the foregoing  
9 deposition, was duly sworn by me on February  
10 12, 2025 and that the transcribed deposition  
11 of said witness is a true record of the  
12 testimony given by said witness;

13 That the proceeding is herein recorded  
14 fully and accurately;

15 That I am neither attorney nor counsel  
16 for, nor related to any of the parties to the  
17 action in which these depositions were taken,  
18 and further that I am not a relative of any  
19 attorney or counsel employed by the parties  
20 hereto, or financially interested in this  
21 action.

22 Dated the 17 day of February, 2025



23 24 25 Emma Edwards,  
Commonwealth of Pennsylvania - Notary Seal  
Emma Edwards, Notary Public  
Philadelphia County  
My Commission Expires February 12, 2026  
Commission Number 1443285  
Court Reporter